

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DANIEL PEREZ,

Plaintiff,

v.

DALLAS COUNTY COURTS,

Defendant.

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Civil Action No. **3:20-CV-1761-L-BT**

ORDER

The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 14) was entered on October 27, 2020, recommending that the court dismiss with prejudice, pursuant to 28 U.S.C. §§ 1915A and 1915(e), this action and Plaintiff’s claims as amended, for failure to state a claim upon which relief can be granted.

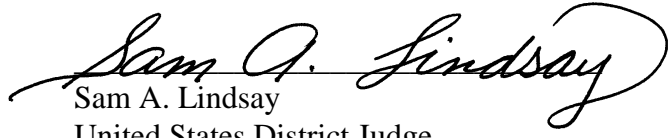
Plaintiff filed objections to the Report (Doc. 15), contending, among other things, that his claims are not frivolous. The court **overrules** the objections. Plaintiff’s objections misconstrue the basis for magistrate judge’s findings and conclusions, and the objections are without merit.

Accordingly, having reviewed the pleadings, file, record in this case, and the Report, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, pursuant to 28 U.S.C. §§ 1915A and 1915(e), this action is **dismissed with prejudice** for failure to state a claim upon which relief can be granted.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court

incorporates by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 30th day of November, 2020.


Sam A. Lindsay
United States District Judge